REMARKS

This application has been reviewed in light of the Office Action dated July 3, 2007. Claims 1-13 are presented for examination, of which Claims 1, 7 and 13 are in independent form, and have been amended to define still more clearly what Applicant regards as his invention. Favorable reconsideration is requested.

In the outstanding Office Action, Claims 1-13 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The independent claims have been carefully reviewed and amended as deemed necessary to ensure that they comply fully with the requirements of Section 112, and in particular, to clarify the configuration for acquiring information related to the second display information.

For example, in Claim 1, the acquiring means acquire the second management information specified by the specifying means, from the network device specified by the link information extracted by the extracting means, by executing the first process. The second management information is acquired asynchronously with respect to an instruction used for displaying information based on the second display information including the second management information. The first and second processes correspond to "WebNetspot".[1/] The second process for transferring the output information is asynchronously invoked in accordance with the instruction received by the second receiving means to the first process. Similar changes have been made to Claims 7 and 13. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1-13 were provisionally rejected for obviousness-type double patenting over Claims 14-20 of divisional application No. 11/330,097. Since Claims 14-20

[1/] It is of course to be understood that the claim scope is not limited by the details of this or any other particular embodiment that may be referred to.

of A.N. 11/330,097 have not been allowed, and the rejection must be only provisional at this time, no further response is required.

Claims 1, 3-7 and 9 also were rejected for obviousness-type double patenting over Claims 1-98 of U.S. Patent 6,308,205 B1 (Carcerano et al.), and Claims 2 and 8, over Claims 1-98 of *Carcerano* in view of U.S. Patent 7,028,081 B2 (Kawashima). Also, Claims 1-13 were rejected for obviousness-type double patenting over Claims 1-28 of *Kawashima*, in view of Claims 1-98 of *Carcerano*.

Applicant's Claims 1-13 realize prefetch processing (specifying means, acquiring means) for the second management information to be displayed as detail information of the network device. The second management information is specified by using the template data, and the specified second management information is acquired from the network device specified by the link information.

In *Carcerano*, data is acquired by polling a plurality of devices, and is stored. The *Carcerano* claims do not, however, recite the prefetch processing which is specified by the link information and Applicant's "first process" and "second process". In this regard, there is a clear difference between Applicant's Claims 1-13 and the claims of *Carcerano*. Accordingly, withdrawal of the double-patenting rejection based on the claims of *Carcerano* is respectfully requested.

Similarly, *Kawashima* relates to obtaining information about devices in a network, and providing a user with information indicating how old the obtained information is. What Applicant is claiming (as set out above) also is not merely an obvious variant of what is claimed in *Kawashima*, and therefore Applicant also respectfully requests withdrawal of this rejection.

Moreover, Applicant notes the following point about obviousness-type double patenting:

> 'A double patenting rejection of the obviousness-type, if not based on an anticipation rationale, is "analogous to [a failure to meet] the nonobviousness requirement of 35 U.S.C. 103" except that the patent principally underlying the double patenting rejection is not considered prior art. *In re Braithwaite*, 379 F.2d 594, 154 USPQ 29 (CCPA 1967). Therefore, *the analysis employed in an obviousness-type double patenting rejection parallels the guidelines for analysis of a 35 U.S.C. 103 obviousness determination*. *In re Braat*, 937 F.2d 589, 19 USPQ2d 1289 (Fed. Cir. 1991); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985). [emphasis added]' M.P.E.P. § 804.

Thus, in setting out an obviousness-type double-patenting rejection, the Office must show that the rejected claim either is anticipated by, or defines merely an obvious variant of, what is claimed in the "patent principally underlying the double patenting rejection" (to quote the language of the M.P.E.P.). Where as here the Examiner is not asserting that one or another claim of the "patent principally underlying the double patenting rejection" anticipates the rejected claim, it is necessary to show that what is claimed by the rejected claim is merely an obvious variant over what is claimed by the "patent principally underlying the double patenting rejection". That is done in exactly the same way as one would show that a claim being rejected under Section 103 is obvious from a principal reference: by relying upon official notice, if appropriate, or by citing and relying upon a secondary reference (which might be a prior-art patent or publication, or perhaps the applicant's admitted prior art, if relevant).

It should be noted that, while the "patent principally underlying the double patenting rejection" does *not* have to be prior art against the rejected claim (and indeed usually is not), the secondary reference does have to be one that is legally available as prior art against the rejected claim. Applicant notes that *Carcerano* is not available as prior art against the present application under Section 103, and thus it is legally impermissible to

rely on that patent as a secondary reference – i.e., it is entirely proper to use the claims of that patent as a starting point for a double-patenting rejection, but it is not proper to use any of the disclosure of that patent, either the claims or the rest of the disclosure, as a secondary reference. Applicant believes that the statements in the outstanding Office Action that appear to state the contrary, are incorrect statements of the law, and strongly believes that the rejection based on the claims of *Kawashima* allegedly in view of *Carcerano* is legally improper.

Similarly, it is believed that *Kawashima* is not available as a secondary reference against this application under Section 103, since Applicant's U.S. filing date is not one year or more after a publication date of *Kawashima*, and Applicant's priority date is before the earliest publication date of *Kawashima*. Thus, *Kawashima* like *Carcerano* is not available as prior art against this application under Section 103.

Thus, Applicant believes that the double-patenting rejections, insofar as they are based on a use of either *Carcerano* or *Kawashima* as a secondary reference, are legally improper. Nonetheless, as indicated above, Applicant also believes that what is defined by his present claims is in any case not merely an obvious variant of any of the claims of those two patents.

Accordingly, Applicant believes that the double-patenting rejections based on those patents should be withdrawn.

In addition, Claims 1-13 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 5,987,513 (Prithviraj et al.) and U.S. Patent 6,145,001 (Scholl et al.), taken in combination.

Independent Claim 1 is directed to a network device managing apparatus for monitoring and managing a network device based on processing first display information

of the network device and second display information linked from the first display information. The claimed managing apparatus comprises first receiving means, for receiving a request for transmitting the first display information required for displaying first management information of a device, and transmitting means for transmitting, by executing a first process invoked by the request received by the first receiving means, the first display information. In addition, extracting means are provided, for extracting link information embedded in the first display information after the first receiving means receives the request for transmitting the first display information, and specifying means specify, by executing the first process, second management information of the network device by using template data which describe a plurality of pieces of management information required to display the second display information linked from the first display information (the second display information includes the second management information, which differs from the first management information included in the first display information of the network device; both the first management information and the second management information are information for indicating details of the network device). Acquiring means acquire, from the network device specified by the link information extracted by the extracting means, by executing the first process, the second management information specified by the specifying means.

Also provided, according to Claim 1, are second receiving means, for receiving an instruction to be used for displaying information based on the second display information including the second management information acquired by the acquiring means, and generating means, for generating output information corresponding to the second display information to prepare for displaying the acquired second management information of the network device in a web page of a predetermined form based on the

received instruction. Transferring means are provided for transferring, to a predetermined communication link, by executing a second process invoked in accordance with the instruction received by the second receiving means, the output information generated by the generating means.

Prithviraj relates to a configuration for acquiring IP address of a network device and displaying the IP address of the network device in a home page. Applicant submits that nothing has been found, or pointed out, in *Prithviraj* that would teach or suggest anything capable of performing prefetch processing for second management information to be displayed as detail information of the network device, as recited in Claim 1.

Moreover, while *Scholl* relates to a Management Information Base (MIB) containing databases of information related to managed networks and information related to a network management gateway (Fig. 4), it is submitted that even if *Scholl* is deemed to show all that it is cited for, such would not provide what is missing from *Prithviraj* as a reference against Claim 1.

Even if combined, therefore, *Prithviraj* and *Scholl* would not teach or the mentioned features of Claim 1, and that claim is therefore believed to be allowable over those two documents.

Independent Claims 7 and 13 are method and computer-medium claims, respectively, corresponding to apparatus Claim 1, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 1.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as

references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or the other of Claims 1 and 7, and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant again respectfully requests favorable reconsideration and allowance of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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